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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 27th November, 1956:—

Bill No. X of 1956

A Bill to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Railway Protection Force Act, 1956. Short title,
extent and
commence-
ment.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "Force" means the Railway Protection Force constituted under section 3;
 - (b) "Inspector-General" means the Inspector-General of the Force appointed under section 4;
 - (c) "member of the Force" means a person appointed to the Force under this Act other than a superior officer;
 - (d) "prescribed" means prescribed by rules made under this Act;
 - (e) "railway property" includes any goods, money or valuable security, or animal, belonging to, or in the charge or possession of, a railway administration;

(f) "superior officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central Government as a superior officer of the Force;

(g) words and expressions used but not defined in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them under that Act.

Constitution of the Force. 3. (1) There shall be constituted and maintained by the Central Government a Force to be called the Railway Protection Force for the better protection and security of railway property.

(2) The Force shall be constituted in such manner, shall consist of such number of superior officers and members of the Force and shall receive such pay and other remuneration as may be prescribed.

Appointment and powers of superior officers. 4. (1) The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be Chief Protection Officers, Protection Officers or Assistant Protection Officers of the Force.

(2) The Inspector-General and every other superior officer so appointed shall possess and exercise such powers and authority over the members of the Force under their respective commands as is provided by or under this Act.

Classes and ranks among members of the Force. 5. There shall be the following classes of officers and other ranks among the members of the Force, who shall take rank in the order mentioned, namely:—

A. Classes of officers—

- (i) Inspector,
- (ii) Sub-Inspector,
- (iii) Assistant Sub-Inspector.

B. Classes of other ranks—

- (i) Head Rakshak,
- (ii) Senior Rakshak,
- (iii) Rakshak.

Appointment of members of the Force. 6. The appointment of members of the Force shall rest with the Chief Protection Officers who shall exercise that power in accordance with rules made under this Act.

Certificates to members of the Force 7. (1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Chief Protection Officer or such other superior officer as the Chief Protection Officer may specify in this behalf, by virtue

of which the person holding such certificate shall be vested with the powers of a member of the Force.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force, and, on his ceasing to be a member of the Force, shall be forthwith surrendered by him to any superior officer empowered to receive the same.

8. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder. Superintendence and administration of the Force.

(2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Protection Officer in accordance with the provisions of this Act and of any rules made thereunder, and in the discharge of his functions he shall be guided by such directions as the General Manager of the Railway may issue in this behalf.

9. (1) Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may— Dismissal, removal, etc. of members of the Force.

(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or

(ii) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:—

(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument.

(2) Any member of the Force aggrieved by an order made under sub-section (1) may appeal against the order to such authority as may be prescribed, and the decision of the said authority thereon shall be final.

Officers and members of the Force to be deemed to be railway servants,

10. The Inspector-General and every other superior officer and every member of the Force shall for all purposes be regarded as railway servants within the meaning of the Indian Railways Act, 1890, other than Chapter VIA thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act. 9 of 1890.

Duties of members of the Force.

11. It shall be the duty of every member of the Force—

(a) promptly to execute all orders lawfully issued to him by his superior authority;

(b) to protect and safeguard railway property;

(c) to remove any obstruction in the movement of railway property; and

(d) to do any other act conducive to the better protection and security of railway property.

Power to arrest without warrant,

12. Any member of the Force may, without an order from a Magistrate and without a warrant, arrest—

(a) any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or

(b) any person found taking precautions to conceal his presence within railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property.

Power to search without warrant,

13. (1) Whenever any member of the Force, not below the rank of a Senior Rakshak, has reason to believe that any such offence as is referred to in section 12 has been, is being, or is likely to be, committed and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1898, 5 of 1898, relating to searches under that Code shall, so far as may be, apply to searches under this section.

Procedure to be followed after arrest.

14. Any member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station.

15. (1) Every superior officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed in any part of the railways throughout India.

Officers and members of the Force to be considered always on duty and liable to be employed in any part of the Railways.

(2) No superior officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

16. A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

Responsibilities of member of the Force during suspension.

17. (1) Without prejudice to the provisions contained in section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation of lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to simple imprisonment for a period not exceeding three months.

Penalties for neglect of duty, etc.

5 of 1898. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable.

18. The Police (Incitement to Disaffection) Act, 1922, shall apply to members of the Force as they apply to members of a police force.

Application of Act 22 of 1922 to members of the Force.

4 of 1936.
14 of 1947.
63 of 1948. 19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, shall apply to members of the Force.

Certain Acts not to apply to members of the Force.

20. (1) In any suit or proceeding against any member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under proper authority or order.

Protection of acts of members of the Force.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the member of the Force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned or his superior officer at least one month before the commencement of such proceeding.

Power to
make rules.

21. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for:—

(a) regulating the classes and grades and the pay and remuneration of officers and members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of officers authorised to exercise any functions by or under this Act;

(c) fixing the period of service for officers and members of the Force;

(d) regulating the punishments and providing for appeals from, or the revision of, orders of punishment, or the remission of fines or other punishments;

(e) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

(See section 7)

A.B. has been appointed a member of the Railway Protection Force under the Railway Protection Force Act, 1956, and is vested with the powers, functions and privileges of a member of the Force.

STATEMENT OF OBJECTS AND REASONS

The Watch and Ward Departments functioning on the Railways have hitherto been handicapped by lack of adequate powers and well defined status as also of a proper sense of discipline to fulfil their primary functions of protecting railway property and of property entrusted to Railways for transport. The Railways have during these years incurred heavy losses on account of theft and pilferage of railway property and of payment of quite a large number of compensation claims preferred against them.

2. The proposed legislation is designed to bring about a radical change in the functioning of this Department, which is being redesignated as the Railway Protection Force, so as to achieve quick and effective results. It enables the personnel of the Force to be brought under a special set of disciplinary rules and confers on them, under certain conditions, powers of arrest and search without warrant. Moreover, the Railway Protection Force thus reorganised could provide, in times of need, suitable assistance to the Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in railway premises.

LAL BAHADUR.

NEW DELHI;
The 5th July, 1956.

FINANCIAL MEMORANDUM

As will appear from the Statement of Objects and Reasons annexed to the Bill, the idea behind the Bill is to convert the Railway Watch and Ward Departments which have been in existence for many years into a Statutory Organization with the new designation of "Railway Protection Force" and with definite powers and functions.

2. Clause 3 and sub-clause (1) of clause 4 of the Bill provide that the Force shall consist of such number of superior officers and other ranks and that they shall receive such pay and other remuneration as may be prescribed. An estimate of the expenditure involved payable by the Central Government is included in the sub-joined statement, in which the total of the sanctioned strength of the Force for each Railway and the provision made in the Budget estimates for the current year are given.

Name of Railway	Total sanctioned strength	Budget estimates of total expenditure (recurring and non-recurring) for 1956-57
Eastern	5,618	Rs. 32,89,000/-
South-Eastern	4,349	Rs. 22,46,000/-
North-Eastern	4,596	Rs. 29,22,000/-
Northern	5,826	Rs. 37,61,000/-
Central	5,720	Rs. 38,78,000/-
Western	4,490	Rs. 39,40,000/-
Southern	6,031	Rs. 37,08,000/-
Total	36,630	Rs. 2,37,44,000/-

In addition to the above estimates, the estimated expenditure for the current year on account of the Headquarters staff of the Inspector-General of the Force stands at Rs. 83,000/- making a total charge of Rs. 2,38,27,000/- approximately per annum on the present strength (chargeable to Railway Revenue working expenses Budget Demand No. 4).

3. There is a proposal to provide, in addition, on the average ten lacs of rupees for each of the Railways for the next five years on account of buildings for the Force.

4. Funds to be made available in the subsequent years will vary according to the requirements of the Railways and will be determined from time to time.

EXPLANATORY MEMORANDUM REGARDING DELEGATED LEGISLATION

The broad features envisaged in the Bill, namely, the constitution of the Railway Protection Force, appointments and functions of officers and members of the Force, its superintendence and administration and penalties to which members of the Force are liable are laid down in the Bill itself.

Clause 21 of the Bill empowers the Central Government to make rules to carry out the purposes of the proposed enactment. The several matters in relation to which such rules may be made have been detailed in the various items of sub-clause (2) of that clause and relate principally to the procedure to be followed in regulating the classes and grades, the terms and conditions of service and the powers and duties of and the punishments to members of the Force. These matters are details of procedure necessary for the effective governance of the Force and it is unnecessary and cumbersome to provide for these administrative details in the enactment itself.

The delegation of legislative power is thus of the normal type.

S. N. MUKERJEE,
Secretary.